



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 05891-99
17 April 2000

LCDR [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 2 and 23 February 2000, copies of which are attached. The Board also considered your letter dated 24 March 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 23 February 2000. The Board noted the "archived record" cited in paragraph 3 of the advisory opinion is the record considered by the Fiscal Year 00 Line Commander Selection Board, not your naval record as of 22 February 2000. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



5891-99

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
2 February 2000

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: LCDR R. [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests consideration for a special promotion board for selection for Commander (O-5) because his record was incomplete due to missing fitness reports for the period 1 November 1993 to 16 June 1994, 1 November 1994 to 31 October 1995, and 27 November 1997 to 31 October 1998.

2. Based on our review of the material provided, we find the following:

a. The member indicates the fitness reports for the period 1 November 1993 to 16 June 1994 and 1 November 1994 to 31 October 1995 was missing from his record. The fitness report for the period 27 November 1997 to 31 October 1998 was received; however, the report was rejected because the reporting senior failed to sign the report.

b. A review of the member's headquarters record revealed the reports in question to be on file. The fitness report for the period 1 November 1993 to 16 June 1994 was placed in the member's digitized record 10 April 1997. The fitness report for the period 1 November 1994 to 31 October 1995 was placed in the member's digitized record 7 September 1999. The fitness report for the period 27 November 1997 to 31 October 1998 was placed in the member's digitized record 26 May 1999.

c. Liaison with Selection Board Support Division (PERS-32) indicated the fitness reports for the period 1 November 1993 to 16 June 1994 and 1 November 1994 to 31 October 1995 were received via fax on 24 February 1999 for selection board review. The fitness report for the period 27 November 1997 to 31 October 1998 was received via fax on 2 March 1999 for selection board review. The FY-00 Commander (O5) selection board convened on 24 February 1999 and concluded 12 March 1999.

d. Although the fitness reports in question were faxed for selection board review, we cannot determine if the fitness reports were actually reviewed by the selection board.

3. The member's headquarters records  and continuity is maintained.



Head, Performance
Evaluation Branch

